

Conditional Waiver Renewal and TMDL List Amendment

Water Quality Control Policy for Siting, Design,
Operation, and Maintenance of Onsite Wastewater
Treatment Systems

STATE WATER RESOURCES CONTROL BOARD

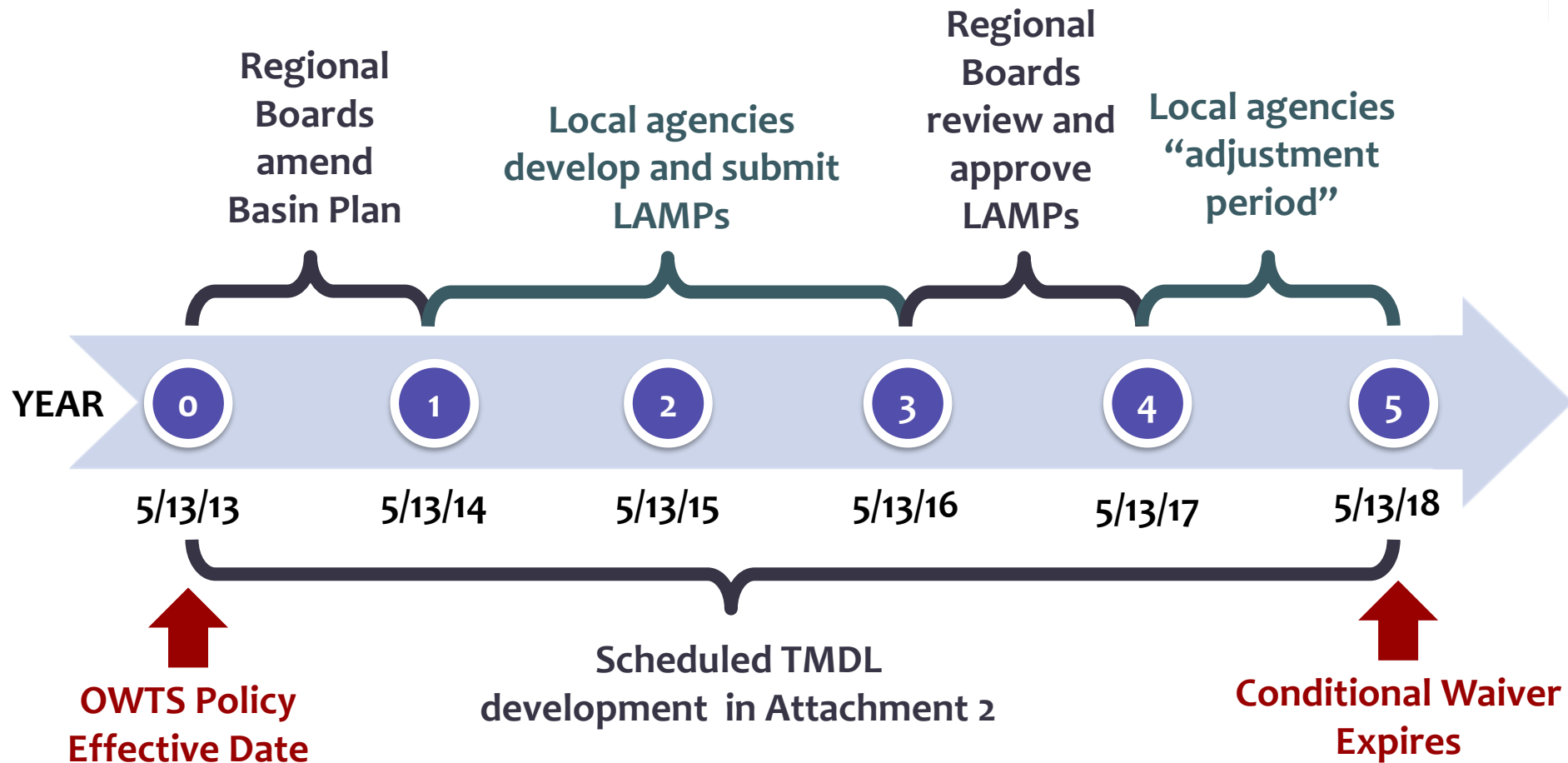
APRIL 17, 2018 – ITEM 3



Structure of the Policy

- Section 1..... Definitions
- Sections 2-5..... Responsibilities and Duties
- Section 6.....Tier 0 – Existing OWTS
- Sections 7-8.....Tier 1 – Low Risk
- Section 9Tier 2 – LAMP
- Section 10Tier 3 – Impaired Areas
- Section 11.....Tier 4 – Corrective Action
- Section 12.....Conditional Waiver
- Section 13.....Effective Date
- Section 14.....Financial Assistance
- Attachment 1.....Timelines
- Attachment 2.....Tier 3 Water Bodies List
- Attachment 3.....Regional Board
Designations by County

OWTS Policy Implementation Schedule



Tiers and Effective Dates

Tier	Name	Effective Date
0	Existing OTWS	May 13, 2013
1	Low Risk New or Replacement OWTS	May 13, 2018 (if no LAMP)
2	Local Agency Management Program	Upon LAMP Approval
3	Impaired Areas	May 13, 2013
4	OWTS Requiring Corrective Action	May 13, 2013

Waiver and TMDL Schedule Issues

- OWTS Policy Conditional Waiver
 - Waives requirement for RWD, obtain WDRs, and pay fees
 - Expires on May 13, 2018
 - ✓ If the waiver is not renewed, OWTS permitting responsibility reverts to the Regional Water Boards
- Attachment 2 contains TMDL schedules
 - TMDL due dates vary from 2014 through 2020
 - ✓ If the Regional Water Boards fail to comply with the schedules (plus two years), the conditional waiver no longer applies (10.4.1)
 - ✓ Regional Water Boards are then tasked with permitting all OWTS within the water body's geographic area (10.4.1)

Waiver of WDRs Renewal

- Conditional waiver was issued pursuant to CWC 13269
 - By law, waivers expire after five years
 - Consideration of renewal requires review of the terms of the waiver
 - ✓ Function as designed with no surfacing effluent
 - ✓ Not utilize a dispersal system that is in soil saturated with groundwater
 - ✓ Not be operated while inundated by a storm or flood event
 - ✓ Not cause or contribute to a condition of nuisance or pollution
 - ✓ Comply with all applicable local agency codes, ordinances, and requirements
 - ✓ Comply and meet any applicable TMDL implementation requirements, special provisions for impaired water bodies, or supplemental treatment requirements imposed by Tier 3
 - ✓ Comply with any corrective action requirement of Tier 4
 - ✓ Waiver may be revoked by the State Water Board or the applicable Regional Water Board for any discharge from an OWTS, or from a category of OWTS.
 - The conditions adequately protect water quality and human health
 - Requiring all OWTS to be subject to general or individual WDRs is not necessary

TMDL List Amendment

- Attachment 2, Tables 5 and 6 list impaired water bodies with a significant OWTS component
 - Tables include a schedule for TMDL adoption
 - Since OWTS Policy adoption, new information has been collected and amendments are appropriate
 - ✓ Removal of water bodies
 - ❖ Completed TMDLs, delisting the water body, technical reports/studies
 - ✓ Schedule changes
 - ❖ Delays in obtaining data, revisions to TMDL scope, new information on contaminant sources, etc.

Public Comments

- Two comment letters were received:
 - Heal the Ocean/Heal the Bay
 - Clean Water Action, Community Water Center, and Leadership Counsel for Justice and Accountability
- Comments generally address
 - Conditional waiver renewal
 - Proposed TMDL amendments
 - Document availability, financial assistance, monitoring issues
- Response to comments prepared and Staff Report revised

Conditional Waiver Renewal

- Purpose of the conditional waiver
 - Waives the following requirements for OWTS owners:
 - ✓ Submit RWD, Pay Fees, Obtain WDRs
 - Waiver requires compliance with Policy conditions
 - Formal mechanism that allows local agencies to permit OWTS consistent with Policy requirements
- Waivers expire five years after adoption
 - Renewal maintains the regulatory framework for OWTS

Proposed TMDL Amendments

- *Comment - TMDL delay risks water quality and public health - should enter into Tier 3 and require APMP*
 - Tier 3 effective immediately with the Policy (5/13/13)
 - Default standards of Tier 3 are generally protective
- *Comment - Inadequate justification for schedule extensions*
 - Staff Report revised to provide additional justification
 - Regional Water Boards have completed substantial work
- *Comment - AB 885 is law – should prioritize implementation*
 - AB 885 codified as CWC sections 13290 – 13291.7
 - Lists several tasks – largely completed
 - Schedule extensions are reasonable based on task magnitude

Doc Availability/Fin. Assist/Monitoring

- *Comment – State Water Board webpage should provide links to county LAMPs and annual reports*
 - Regional Water Boards approve LAMPs
 - Documents available on Regional Water Board and local agency webpages
 - Annual reports available through Regional Water Boards
- *Comment – Prioritize technical and financial assistance for septic upgrades for State Revolving Fund*
 - OWTS Policy established “mini-loan procedures” administered by local agencies
- *Comment – Work with counties to encourage domestic well testing*
 - Some local agencies require testing with real estate sales
 - GAMA and USGS have programs to sample shallow/domestic groundwater

Water Quality Data/Limit Waiver

- *Comment – Provide water quality info to counties annually*
 - Data is available through GeoTracker and CEDEN
 - Database and graphical information systems
- *Comment – Limited waiver due to limited accomplishments*
 - Regional Water Boards have performed the Policy tasks
 - Attachment 2 lists 68 water bodies, 53 with a TMDL due by 2018
 - ✓ 10 TMDLs adopted, 13 water bodies delisted, and 8 TMDLs in 2018
 - ✓ Staff report documents the work performed to address the rest

Recommendations

- Renew the conditional waiver for the maximum five-year time period
 - Maintain the waiver conditions that exist in the Policy
- Amend OWTS Policy Attachment 2, Tables 5 and 6
 - Revised tables are attached to resolution
 - ✓ Incorporate the late changes to the resolution tables
 - ✓ Previously, delisted water bodies were identified for removal
 - ❖ Delisted water bodies remain on the tables and are identified as delisted
 - Address late change addressing implementation issues

Questions/Contact Info



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